

REMARKS

Claims 1-3, 5-8, and 10-19 are pending.

Responsive to the objections to the drawings, Applicants submit new figure 4, which shows the various steps associated with claim 1. Support for new figure 4 is provided, for example, by paragraph 0033, 0036 and 0037. Paragraph 0033 is amended as indicated above to include references to the various steps shown in figure 4. Additionally, a description of the figure is added in paragraph 0026. As new figure 4 merely clarifies the subject matter already included in the specification as filed, Applicants submit that no new matter is added and request that the figure be added in the application.

As to the claim rejections, in response to the Office Action of December 6, 2010, indicating that previous claims 4, 9 and 20 were deemed allowable if amended to include all of the limitations of the base claim and any intervening claims, Applicants amended independent claims 1, 5 and 12 to include the limitations of respective claims 4, 9 and 20 without further comment in order to move the prosecution of the case forward.

As independent claims 1, 5 and 12 are now rejected in view of Fujisawa, in view of Ajanovic, and newly cited Koga, Applicants submit the following remarks regarding the proposed combination of Fujisawa in view of Ajanovic, and also the proposed combination of Fujisawa, Ajanovic and Koga.

Rejection of claims 1-2, 5-7, and 12-14 under 35 USC 102(a) as being unpatentable over Fujisawa (US7352726), in view of Ajanovic (US2004/0044820), in view of Koga (US2002/0141446).

Applicants submit that for the reasons discussed below the subject claims are patentably distinguishable over the suggested combination of references.

Regarding claim 1, the Examiner acknowledges that Fujisawa fails to disclose “determining a priority code associated with a data packet of said stream; determining whether to open a channel comprising an isochronous channel or an asynchronous channel in response to the priority code; using the presence of the priority code as an indication for setting up the channel for communicating information in said stream of packet based digital data to a second communications network.” Ajanovic is cited to overcome this admitted defect of Fujisawa as applied to claim 1.

In particular, the Examiner cites paragraph 0118 as disclosing the missing features. Paragraph 0118 of Ajanovic states:

*In accordance with one aspect of the present invention, the transaction layer 202 of the EGIO interface 106 can establish one or more virtual channels within the bandwidth of the communication link 112. The virtual channel (VC) aspect of the present invention, introduced above, is used to define separate, logical communication interfaces within a single physical EGIO link 112. In this regard, **separate VCs are used to map traffic that would benefit from different handling policies and servicing priorities. For example, traffic that requires deterministic quality of service, in terms of guaranteeing X amount of data transferred within T period of time, can be mapped to an isochronous (time dependent) virtual channel.** Transactions mapped to different virtual channels may not have any ordering requirements with respect to each other. That is, virtual channels operate as separate logical interfaces, having different flow control rules and attributes. (emphasis added)*

Nowhere does the cited portion of Ajanovic disclose or suggest determining a priority code associated with a data packet of the stream and determining whether to open a channel comprising an isochronous channel or an asynchronous channel in response to the priority code. Rather, Ajanovic refers to mapping traffic that would benefit from different handling policies and servicing priorities, for example traffic that requires a deterministic quality of service. An example of mapping based on a quality of service contract is provided in the table 1, shown immediately prior to paragraph 0118, which states:

This channel is used to carry IO traffic that has the following requirements: (a) IO traffic is not snooped to allow for deterministic service timing; and (b) quality of service is controlled using an X/T contract (where X = amount of data and T = time) 0010-1111 Reserved Future Use

Nowhere do either citations disclose or suggest the above-mentioned determining steps of claim 1. A reading of Ajanovic as a whole appears to disclose use of various virtual channels based on the quality of service requirements **associated with the information to be communicated**. See for example, paragraph 0393, which states:

*If, in block 1.004 the information requires creation of a new virtual channel, transaction layer 202 makes a further determination as to the type of virtual channel required, block 1008. According to one example implementation, transaction layer 202 makes this determination based, at least in part, on the content of the received information. According to one example implementation, introduced above, **the EGIO architecture provides support for multiple types of virtual channels selected based on the quality-of-service requirements associated with the information to be communicated. In this regard, transaction layer 202 determines whether the received information is time-dependent (isochronous) and, if so, establishes one or more isochronous virtual channels to support transmission of such information. According to one embodiment, the type of content is determined through analysis of the content itself, or inferred from***

the type of agent delivering the content to the transaction layer (e.g., the type of application). (emphasis added)

Ajanovic appears to disclose a system that determines the type of channel based on the content of the information (real time or non-real time), and accordingly opens a channel. Such a feature appears to be similar to that alleged to be disclosed in the Akatsu reference, which was discussed in detail in Applicants' prior responses and the Appeal Brief of September 24, 2010, and deemed to be overcome in the Office Action dated December 6, 2010.

Thus, Applicants submit that Fujisawa and Ajanovic, singly or in combination, fail to disclose or suggest a notable feature of claim 1, namely determining a priority code associated with a data packet and establishing a channel in response to said priority code as recited in claim 1.

Koga is cited as disclosing the feature "determining whether said priority data packet requires transmission to a second device associated with said second communications network over a reserved bandwidth channel based on the priority code included in the prioritized data packet and establishing a reserved bandwidth data transmission channel for communicating said data stream to said second device." Even assuming for argument sake that Koga teaches the features as alleged, this additional feature of Koga fails to overcome the defect of Fujisawa and Ajanovic discussed above as applied to claim 1. Thus, Applicants submit that claim 1, and the claims that depend therefrom, are patentably distinguishable over any combination of Fujisawa, Ajanovic and Koga.

Independent claim 5 recites the above-discussed determining features in apparatus form, thus, Applicants submit that independent claim 5, and the claims that depend therefrom, are patentably distinguishable over the suggested combination of references for at least the same reasons as those discussed above with respect to claim 1.

Independent claim 12 similarly recites the above-discussed features, including determining the need for an isochronous reserved bandwidth channel or an asynchronous channel based on a priority value included in the data packet, and establishing the necessary channel accordingly, and thus, Applicants submit that independent claim 12, and the claims that depend therefrom, are patentably distinguishable over any combination of Fujisawa, Ajanovic and Koga.

Rejection of claims 3, 10, and 16 under 35 USC 103(a) as being unpatentable over Fujisawa, Ajanovic, Koga and Brewer (US6657999).

Rejection of claims 8 and 15 under 35 USC 103(a) as being unpatentable over Fujisawa, Ajanovic, Koga and Walke (US7016676).

Rejection of claim 17 under 35 USC 103(a) as being unpatentable over Fujisawa, Ajanovic, Koga and RFC 0793 (Transmission Control Protocol – September 1981).

Rejection of claim 18 under 35 USC 103(a) as being unpatentable over Fujisawa, Ajanovic, Koga and Naudus (US2002/0016837).

Rejection of claim 19 under 35 USC 103(a) as being unpatentable over Fujisawa, Ajanovic, Koga and Pathak (WO01/074096).

Even assuming for argument sake that the additionally cited references teach the respective features as alleged, the additional features of these references fail to overcome

the defect of Fujisawa and Ajanovic as applied to claim 1 as discussed above. Thus, Applicants submit that the subject claims, based on their dependence to their respective independent claims 1, 5 and 12, are patentably distinguishable over any combination of Fujisawa, Ajanovic, Koga and the additional references cited above.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicants' representative's Deposit Account No. 07-0832.

Respectfully submitted,
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